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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,584	12/21/2000	Donald J. Ehrlich	739/37384/306	9000

7590 11/08/2002

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EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/742,584

Applicant(s)

EHRlich ET AL.

Examiner

Devon C Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 16-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15 33-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-802)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 1-15 and 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchisson et al in view of Broome.

Hutchisson et al provides a back-up warning system (10) for a vehicle having at least one wheel (12), the system comprising: a brake mechanism provided on the vehicle with a controller (col 7 lines 20-22); electronic structure (72) configured to perform a back-up warning function; an electronic control module (col 7 lines 14-18) connected to the electronic structure; a wheel sensing arrangement (figure 1) connected to the electronic control module; the sensing arrangement configured to sense movement of the wheel and configured to communicate information relating to that which is sensed to an electronic control module (ECU); the ECU configured to operate the electronic structure based on the information received from the sensing arrangement; a voltage source (80); a relay (82) configured to selectively operate to connect the voltage source to the electronic structure; a transistor (126) connected to the controller and actuated by the controller based on information which is received from the wheel sensing arrangement relating to the direction of the wheel; the transistor

connected to the relay and configured to close the relay upon being actuated by the controller; the wheel sensing arrangement includes an exciting element (18) and a sensor member; the sensor member having at least one sensing element mounted thereon for determining the speed of rotation of the wheel and for determining the direction of rotation of the wheel; two sensing elements (20a, 20b) provided on the sensor member and spaced apart from each other by a predetermined distance; and a plurality of magnetic poles (42).. Please note column 7 lines 15-22 teaching a vehicle with a sensor arrangement, utilizing speed and movement detection, which provides the signals to a processor, provides instantaneous steering and brake control. The examiner takes official notice that a J560 connector is an industry standard to connect electrical components. Patent number 6343844 illustrates this feature.

Hutchisson et al fails to teach the use of a pneumatic control module connected to the ECU and the brake mechanism.

Broome provides an electronic control module (118), which receives information from a wheel speed sensor (108) and is capable of operating a pneumatic control module (125).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the control system of Hutchisson et al with the pneumatic control module of Broome in order to provide a means to relate the wheel sensing arrangement with the brakes of a vehicle. It is known in the art to relate sensing parameters associated with a vehicles speed and motion to a brake controller.

### ***Response to Arguments***

3) Applicant's arguments filed October 07, 2002 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that the alarm circuitry in the alternative embodiment of Hutchinson is used to control steering and braking wherein the alarm function is eliminated. Please note that the teachings of Hutchinson are being read as capable of performing an alarm function and a steering and/or braking function. Though Hutchinson gives **an example** of replacing the alarm circuit with other sensors, it is believed that by stating that "this invention is not limited to a self-powered back-up alarm" and stating, "The hub-mounted power supply of this invention can clearly be used to power sensors other than those used to detect forward / reverse motion and annunciators other than audio alarms." This statement leads the examiner to believe that Hutchinson is capable of controlling an alarm function and a steering and/or braking control.

Applicant further argues that the attachment of a J560 connector in Hutchinson would be against the teachings of Hutchinson. It is the examiners position that modification of Hutchinson with a J560 connector would enable working and maintaining the system easier. The connector would enable simplified removal.

***Conclusion***

**4) THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**5)** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C Kramer whose telephone number is 703-305-0839. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519 for regular communications and 703-308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1134.

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November 5, 2002

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER  
